



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20543

2013 MAR 18 PM 1:32

OFFICE OF LEGAL COUNSEL

March 8th, 2013

Anthony Herman, Esquire
General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

MUR # 6728

Re: Mike McIntyre and McIntyre for Congress

Dear Mr. Herman:

Pursuant to 2 USC § 437g(a)(1) and 11 CFR § 111.4, please accept this letter as a Complaint against Mike McIntyre ("McIntyre") and Mike McIntyre for Congress ("the Committee") for operating in violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Federal Election Commission ("FEC" or "Commission") regulations, and more specifically, for violation of the filing and reporting provisions set forth in § 102.1(a) and § 102.17(c)(8)(i)(B).

II. Failure to File Statement of Organization

Mike McIntyre is the U.S. Representative from North Carolina's 7th Congressional District and a candidate for the same in the 2013-2014 election cycle. McIntyre filed an FEC Form 2 Statement of Candidacy on January 24, 2013, which designated McIntyre for Congress as his principal campaign committee. The Committee filed an amended FEC Form 1 Statement of Organization on January 18, 2007, for the 2007-2008 election cycle, but has not filed an amendment since.

An individual becomes a candidate and triggers registration and reporting responsibilities under the Act when campaign activity exceeds \$5,000 in either contributions or expenditures. 2 U.S.C. § 431(2). A candidate seeking election to Federal office must then designate a principal campaign committee within 15 days by filing an FEC Form 2 Statement of Candidacy. 2 U.S.C. 432(e)(1). No later than 10 days after this designation, the committee must file an FEC Form 1 Statement of Organization. 2 U.S.C. 433(a).

North Carolina Republican Party Headquarters
The Joyce and John W. Pope, Sr. Family Building
1506 Hillsborough Street • Raleigh, North Carolina 27605
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McIntyre filed a Statement of Candidacy for the 2012-2014 election cycle on January 24, 2013, designating McIntyre for Congress as his principal campaign committee. This designation triggered the Committee's obligation to file a Statement of Organization in no more than 10

days, or no later than February 6, 2013. Not only did the Committee fail to file a Statement of Candidacy within the prescribed deadline for the 2013-2014 cycle, it has neglected to do so at all for the past 2 election cycles. In fact, the Committee's most recent amended Statement of Organization was filed on January 18, 2007, for the 2007-2008 election cycle.

III. Failure to File Memo Itemizing JFC Contributions

The McIntyre 2012 Victory Fund ("Victory Fund") is a joint fundraising committee consisting of The Committee and the North Carolina Democratic Party. The Victory Fund filed an FEC Form 1 Statement of Organization on November 9, 2012, and filed an FEC 3X Report of Receipts and Disbursements on February 13, 2013. The Committee filed an FEC memo Schedule A reporting 3 receipts from the Victory Fund to the Committee: \$10,000 on November 28, 2012, \$11,800 on December 5, 2012, and \$40,004.82 on December 19, 2012. See Attachment A. The Committee reported these respective receipts as lump sums, and failed to itemize the Committee's share of gross receipts as contributions from original contributors.

Federal regulations permit political committees, including principal campaign committees, to participate in joint fundraising efforts with other political entities or organizations. 11 CFR § 102.17(a)(1)(i). The joint fundraising committee collects contributions on behalf of the group of participating entities, then allocates and disburses those combined funds in accordance with the required written agreement between the parties. 11 CFR § 102.17(c)(6)-(7). Upon receipt of a disbursement from the joint fundraising committee, each participating political committee must disclose the receipt of its share of the net proceeds, as well as file a memo Schedule A itemizing those receipts as contributions from the original contributors. § 102.17 (c)(8)(i)(B).

The Committee reported the 3 transfers from the Victory Fund (\$10,000 on November 28, 2012, \$11,800 on December 5, 2012, and \$40,004.82 on December 19, 2012) in its 2012 Year End Schedule A. The Committee failed, however, to itemize those receipts as individual contributions from the original contributors, as required by statute. Itemization requirements serve to promote transparency and ensure compliance with campaign finance laws and regulations. The Committee's failure to disclose individual donors and their respective contributions inhibits the Commission from ascertaining the legality of the transactions, and prohibits the general public from knowing who contributed to the Committee.

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IV. Conclusion

Upon information and belief, and based upon the facts relayed herein, Mike McIntyre and Mike McIntyre for Congress have violated the Federal Election Campaign Act of 1971, as amended, and Federal Election Commission Regulations. Accordingly, we respectfully request that the

Commission conduct an immediate investigation into the violations outlined above and impose the maximum penalty under law.

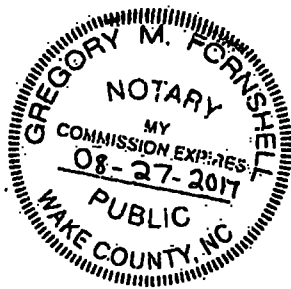
The foregoing is correct and accurate to the best of my knowledge, information and belief.

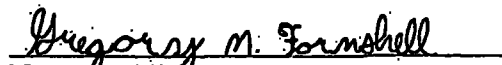
Respectfully submitted,



Mike Rusher, Chief of Staff

Sworn to and subscribed before me this 8 day of March, 2013.




Notary Public GREGORY M. FORNSHELL

My Commission Expires:

AUGUST 27, 2017

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Attachment A



**SCHEDULE A
ITEMIZED RECEIPTS
All Listed Line Numbers**

Committee: MIKE MCINTYRE FOR CONGRESS

Contributor's Name Contributor's Address	Employer	Date	Amount (\$)	
	Occupation	Memo	Aggregate (\$)	
	Memo/Description	Text	Limits	
ActBlue PAC PO Box 382110 Cambridge, Massachusetts 022382110		12/06/2012	0.96	
			0.96	
Am. Assn. of Clinical Urolog.-UAU PAC 1100 E Woodfield Rd Ste 520 Schaumburg, Illinois 601735125		12/18/2012	5000.00	
			5000.00	
Am. Peanut Shellers Assn. PAC PO Box 70157 Albany, Georgia 317080157		12/06/2012	2500.00	
			2500.00	
Bechtel Political Action Committee 50 Beal St. San Francisco, California 94119		12/21/2012	1500.00	
			1500.00	
Comm. for Advancement of Cotton PO Box 2995 Cordova, Tennessee 380882995		12/21/2012	1000.00	
			1000.00	
Rush Holt for Congress PO Box 782 Pennington, New Jersey 08534		12/10/2012	1000.00	
			1000.00	
McIntyre 2012 Victory Fund (recount)		11/28/2012	10000.00	

110044382604

3780 Berkley Lane			64804.82
Lumberton, North Carolina 28360			
McIntyre 2012 Victory Fund (recount)		12/05/2012	11800.00
3780 Berkley Lane			64804.82
Lumberton, North Carolina 28360			
McIntyre 2012 Victory Fund (recount)		12/19/2012	40004.82
3780 Berkley Lane			64804.82
Lumberton, North Carolina 28360			

Total Donation Amount (Non-Memo)	\$72805.78
Total Memo Amount	
Number of Transactions (Non-Memo)	9
Number of Transactions (Memo)	0



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